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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,588	10/10/2003	Jeffery Willard Lakela		2587
7590	04/27/2004		EXAMINER	
Jeffery W. Lakela 5629 Palo Road 41 Aurora, MN 55705			VALENTI, ANDREA M	
		ART UNIT	PAPER NUMBER	
		3643		

DATE MAILED: 04/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/605,588	LAKELA, JEFFERY WILLARD
	Examiner	Art Unit
	Andrea M. Valenti	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,329,879 to Walton in view of U.S. Patent No. 554,129 to Lennon.

Regarding Claim 1, Walton teaches a ramp that ascends to, and descends from, a cat litter box access point (Walton Fig. 2 #82). Walton is silent on the louvered component of this invention. However, Lennon teaches a ramp with a louvered component closely resembling a cut-out from the louvered section of a louvered door, consisting of 2 opposing parallel rectangular columns (Lennon A), and a plurality of parallel, equally spaced, and equally angled, louver boards (slats) that extend perpendicular to, and between, the 2 opposing parallel rectangular columns, with the louver boards (slats) angling upward relative to the opposing parallel rectangular columns in the direction of ascension up the louvered ramp (Lennon Fig. 3 B); the ridges of the louver boards (slats) inherently facilitating the removal of litter from the cat's paws as it descends the louvered ramp, allowing the dislodged litter to fall through the cracks between the louver boards (slats), into a collection tray (Lennon C) situated underneath this invention. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Walton with the louvered

teachings of Lennon for enhanced traction along the ramp as taught by Lennon (Lennon page 1 line 15).

Regarding Claim 2, Walton as modified teaches the louvered ramp attaches to a litter box, for the purpose of securing this invention to the litter box, as well as elevating the ascended end of the louvered component (Walton #83).

Regarding Claim 4, Walton as modified teaches the louvered ramp does not require attachment to a litter box, but is free standing, and is situated with the ascended end of the louvered component positioned against, or in close proximity to, a litter box access point (Walton Fig. 2 #82).

Regarding Claim 5, Walton as modified teaches a louvered ramp the ascended end of the louvered component being elevated by 2 right triangles, each right triangle being fastened to the opposing parallel rectangular columns of the louvered component (Walton Fig. 2 #82).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,329,879 to Walton in view of U.S. Patent No. 554,129 to Lennon as applied to claims 1-2 above, and further in view of U.S. Patent No. 788,424 to Ochs.

Regarding Claim 3, Walton as modified is silent on the louvered ramp attaches to a litter box with 2 adjustably sliding hooks; the adjustably sliding hooks being secured to the louvered component at the outside edges of the opposing parallel rectangular columns at the ascended end of the louvered ramp. However, Oches teaches a ramp attached by 2 adjustable hooks secured to parallel rectangular columns (Ochs Fig. 1

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#10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Walton with the teachings of Ochs since the modification is merely an engineering design choice involving the selection of an alternate equivalent means of securing a ramp to a structure for ease of assembly and does not present a patentably distinct limitation.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,329,878 to McCauley in view of U.S. Patent No. 5,797,352 to Ebert.

Regarding Claim 1, McCauley teaches a ramp invention, that ascends to, and descends from, a cat litter box access point (McCauley Fig. 1 #36) consisting of 2 opposing parallel rectangular columns (McCauley # 36B). McCauley is silent on the louvered component. However, Ebert teaches a ramp with the louvered (Ebert #3) component of this invention, closely resembling a cut-out from the louvered section of a louvered door, a plurality of parallel, equally spaced, and equally angled, louver boards (slats) that extend perpendicular to, and between, the 2 opposing parallel rectangular columns, with the louver boards (slats) angling upward relative to the opposing parallel rectangular columns in the direction of ascension up the louvered ramp; the ridges of the louver boards (slats) facilitating the removal of litter from the cat's paws as it descends the louvered ramp, allowing the dislodged litter to fall through the cracks between the louver boards (slats), into a collection tray (Ebert #11) situated underneath this invention. It would have been obvious to one of ordinary skill in the art to modify the

teachings at the time of the invention to prevent the animal from tracking the litter outside the litter box area as taught by Ebert.

Regarding Claim 2, McCauley as modified teaches a louvered ramp that attaches to a litter box, for the purpose of securing this invention to the litter box, as well as elevating the ascended end of the louvered component (McCauley Fig. 2 #44).

Regarding Claim 3, McCauley as modified teaches that the ramp attaches to a litter box with hooks (McCauley Fig. 2 #44 and 42); hooks being secured to the louvered component at the outside edges of the opposing parallel rectangular columns at the ascended end of the louvered ramp. McCauley as modified is silent on the hooks being two adjustable hooks. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings since the modification is merely making an existing element adjustable to accommodate different size litter container and does not present a patentably distinct limitation [*In re Stevens*, 212 F.2d 197, 198, 101 USPQ 284, 285 (CCPA 1954)].

Regarding Claim 4, McCauley as modified teaches that the ramp does not require attachment to a litter box, but is free standing, and is situated with the ascended end of the louvered component positioned against, or in close proximity to, a litter box access point (McCauley Fig. 2 #36).

Regarding Claim 5, McCauley as modified teaches that the ramp at the ascended end of the louvered component being elevated by 2 right triangles, each right triangle being fastened to the opposing parallel rectangular columns of the louvered component (McCauley #36B).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

French Patent FR 2700920A1; U.S. Patent No. 1,360,082; U.S. Patent Pub 2003/0217700; U.S. Patent No. 3,618,568; and U.S. Patent No. 4,088,235.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andrea M. Valenti

Andrea M. Valenti
Examiner
Art Unit 3643

Peter M. Poon

Peter M. Poon
Supervisory Patent Examiner
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4/26/04

21 April 2004